

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

DENNIS WAYNE SPINDLE,

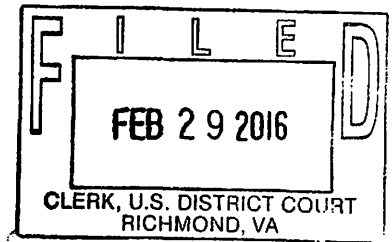
Petitioner,

v.

Civil Action No. 3:15CV133

HAROLD CLARKE,

Respondent.



FINAL ORDER

In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED that:

1. The Report and Recommendation (ECF No. 20) is accepted and adopted;
2. Respondent's Motion to Dismiss (ECF No. 12) is granted;
3. Spindle's § 2254 Petition is denied.
4. A certificate of appealability is denied.
5. The action is dismissed.

Should Spindle wish to appeal, a written notice of appeal must be filed with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a written notice of appeal may result in the loss of the ability to appeal.

The Clerk of the Court is directed to send a copy of this Final Order to Spindle and counsel of record.

It is so ORDERED.

_____/s/ *REP*
Robert E. Payne
Senior United States District Judge

Date: February *29*, 2016
Richmond, Virginia